

***Senate Debate on Motion*****§ 9.31 In the Senate, the motion to lay an appeal on the table is not debatable.**

On Aug. 2, 1948,<sup>(19)</sup> 22 Senators signed a cloture petition against a motion to take up the bill H.R. 29, the anti-poll tax bill. Senator Richard B. Russell, of Georgia, submitted a point of order against the cloture petition on the grounds that the Senate rules prohibited the use of the cloture petition against a motion to take up a bill. The President pro tempore, Arthur H. Vandenberg, of Michigan, sustained the point of order, although he stated that his personal feelings were at variance therewith, and he invited the Senate to appeal his ruling.

MR. [ROBERT A.] TAFT [of Ohio]: Mr. President, I appeal from the decision of the Chair chiefly, of course, because it leaves the Senate in an almost impossible situation. A motion to take up is subject to debate and against it under the Chair's decision, a cloture petition cannot lie. Consequently there is no way by which this situation can be changed, except by physical exhaustion, by keeping the Senate in session day in and day out, which I hope will not be necessary, although we shall have to get to it next year unless this proposed change is made. . . .

THE PRESIDENT PRO TEMPORE: The Senator from Ohio has appealed from the decision of the Chair. Therefore, the pending question before the Senate

is, Shall the decision of the Chair stand as the decision of the Senate?

. . .

MR. [KENNETH S.] WHERRY [of Nebraska]: Mr. President, I propound the following inquiry: If a motion is made to lay the appeal on the table, is that motion subject to debate?

THE PRESIDENT PRO TEMPORE: No motion to table is ever subject to debate.<sup>(20)</sup>

**§ 10 Offering Motion*****Demand That Motion Be in Writing*****§ 10.1 A demand that the motion to lay on the table a motion to instruct conferees be in writing comes too late after the motion has been stated and the Chair has responded to several parliamentary inquiries.**

On Aug. 8, 1961,<sup>(1)</sup> after the House had agreed to send to conference H.R. 7576, authorizing appropriations for the Atomic Energy Commission, Mr. James E. Van Zandt, of Pennsylvania, offered a motion to instruct the House conferees. After one hour of debate on this motion, the following occurred (with Carl Albert,

20. See also 95 CONG. REC. 2273-75. 81st Cong. 1st Sess., Mar. 11, 1949.

1. 107 CONG. REC. 14949-58, 87th Cong. 1st Sess.

of Oklahoma, as the Speaker pro tempore):

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Pennsylvania [Mr. Van Zandt].

MR. [CLARENCE] CANNON [of Missouri]: Mr. Speaker, I move that the motion to instruct conferees be laid on the table.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HALLECK: Under the rules of the House, is this motion to table in order?

THE SPEAKER PRO TEMPORE: The motion is in order.

MR. HALLECK: If the motion to table is voted down, will the vote then come on the motion itself?

THE SPEAKER PRO TEMPORE: On ordering the previous question on the motion. . . .

MR. [CHET] HOLIFIELD [of California]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HOLIFIELD: Mr. Speaker, a yeas vote on this motion would dispose of this matter and defeat the motion offered by the gentleman from Pennsylvania [Mr. Van Zandt]?

THE SPEAKER PRO TEMPORE: It would have that effect.

MR. HALLECK: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HALLECK: Mr. Speaker, a vote against tabling the motion offered by

the gentleman from Pennsylvania would give us the right then to vote on the motion which has been offered by the gentleman from Pennsylvania?

THE SPEAKER PRO TEMPORE: The gentleman has properly stated the situation.

MR. VAN ZANDT: Mr. Speaker, is it not a rule of the House that a motion must be at the Clerk's desk in writing?

THE SPEAKER PRO TEMPORE: It must be submitted in writing if a Member at the time insists, but such a demand is not in order at this time. . . .

The question was taken; and there were—yeas 164, nays 235, not voting 38.

## § 11. When in Order

### *Offering Motion to Table Prior to Debate*

**§ 11.1 The motion to lay a resolution on the table may be made when the resolution is under consideration but before the Member entitled to recognition on the resolution has obtained the floor for debate.**

On Jan. 17, 1933,<sup>(2)</sup> Mr. Louis T. McFadden, of Pennsylvania, offered a resolution proposing an investigation into the possible impeachment of President Herbert Hoover. After the reading of the

2. 76 CONG. REC. 1965–68, 72d Cong. 2d Sess.